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No. 15

DEVELOPMENT, HOUSING, PANCHAYATI RAJ AND CO-OPERATION SECRETARIAT.

NOTIFICATION

Bangalore, dated 16th January 1971

G. S. R. 20.—The draft of the following rules further to amend the Mysore Agricultural Produce Marketing (Regulation) Rules, 1968, which the Government of Mysore proposes to make in exercise of the powers conferred by section 146 of the Mysore Agricultural Produce Marketing (Regulation) Act, 1966 (Mysore Act No. 27 of 1966) is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said rules will be taken into consideration on or after the fifth day of February 1971.

Any objection or suggestion which may be received from any person in respect of the said rules by the State Government before the date specified above will be considered by Government. Objections or suggestions may be addressed to the Secretary to the Government of Mysore,

Development, Housing, Panchayati Raj and Co-operation Department, Post Bag No. 5318, Bangalore-1.

DRAFT RULES

1. Title and commencement.— (1) These rules may be called the Mysore Agricultural Produce Marketing (Regulation) (Amendment) Rules, 1971.

(2) They shall come into force at once.

2. Substitution of new rules for rule 88.—For Rule **88** of the Mysore Agricultural Produce Marketing (Regulation) Rules, 1968, the following rules shall be substituted, namely:—

"**88. Election of a member to the State Marketing Board.**—(1) The election of a member to the State Agricultural Marketing Board under clause (ii) of sub-section (1) of section 101, shall be held in the manner hereinfter specified.

(2) For purposes of the said election, the District Marketing Officer of the revenue district shall be the Returning Officer.

(3) The Returning Officer shall maintain in his Office a list of the Chairmen of all the Market Committees in the district. In order to enable him to maintain such list corrected up-to-date, the Secretaries of all the Market Committees in the district shall furnish to the Returning Officer the name of the chairman of their respective Market committees and also inform immediately the Returning Officer of every change in the names of the Chairmen. The Returning Officer shall on receipt of the information, strike out the names of persons who have ceased to be the chairmen and include therein the names of persons who have become chairmen of such market committees.

(4) The provisions of rule 5A shall apply *mutatis mutandis* in relation to the list of names of chairmen:

Provided that where an application under sub-rule (1) or clause (a) of sub-rule (2) of rule 5A is received by the Returning Officer he shall refer such application to the Secretary of the Market Committee concerned and on receipt of information in relation thereto from the said secretary, shall act in accordance with sub-rule (2).

(5) The Returning Officer shall, by order, call upon the electorate of chairman of all the market committees in each revenue district to elect a member to the Board and fix the date of election. Not less than fifteen days before the date of election, he shall publish a notice by affixing on the notice board of his office stating,—

(i) the place at which and the time within which nominations shall be received and the last date for making nominations which shall not be less than seven days from the date of publication of the notice;

(ii) the date for the scrutiny of nomination which shall be the second day after the last date for making nominations or if that day is a public holiday, the next succeeding day which is not a public holiday;

(iii) the day for withdrawal of nominations, which shall be the third day after the date of scrutiny of nominations or if that day is a public holiday, the next succeeding day which is not a public holiday;

(iv) the date, which shall not be less than fifteen days from the date of publication of the notice, on which and the hours during which, poll shall, if necessary, be taken; and

(v) theplace and time for counting of votes.

(6) A copy of the notice referred to in sub-rule (5) shall be sent to the Chairman of all the market committees in each district by registered post immediately after its publication.

(7) In the case of a bye-election referred to in section 105, the notice under sub-rule (5) shall be published as soon as may be after the occurance of vacancy.

88A. Nominations:—(1) Where in any revenue district, there are more than one market committee, any chairman intending to contest for election to the Board, shall deliver his nomination paper to the Returning Officer in Form No. 38 between the hours of eleven O'clock in the forenoon and three O'clock in the afternoon at the place specified in this behalf in the notice referred to in sub-rule (5) of rule 88.

(2) The Returning Officer shall, on receiving the nomination paper enter in the nomination paper its serial number, the date on which and the hours at which the nomination paper has been delivered to him and shall verify the name and the number of the candidate with the list of Chairmen maintained in his office.

(3) Nomination papers received after the date and time appointed under clause (ii) of sub-rule (5) of rule 88 shall be rejected.

(4) Nothing in this rule shall prevent any candidate from filing more than one nomination paper for the same election.

88B Scrutiny of nominations:—(1) The candidates and their agents, who shall not be more than one for each candidate, shall be entitled to be present at the time of scrutiny of nominations and the Returning Officer shall give them all reasonable facilities for examining nomination papers of all candidates.

(2) The Returning Officer shall then examine the nomination papers and decide all objections which may be made at the time of scrutiny to any nominations and may, either on such objection or on his own motion and after such summary enquiry, if any, as he thinks necessary,

reject the nomination paper on any of the following grounds, namely:—

(*a*) that the signature of the candidate on the nomination paper is not genuine or has been obtained by fraud; or

(*b*) that the nomination paper has not been duly completed and the defect or irregularity is of a substantial character.

(3) The Returning Officer shall endorce on each nomination paper his decision either accepting or rejecting it and if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

88C. Withdrawal of Candidature.—(1) Any candidate may withdraw his candidature by a notice in writing subscribed by him and delivered in person to the Returning Officer before three O' clock in the afternoon on or before the date fixed under clause (iii) of sub-rule (5) of rule 88. On receipt of the notice, the Returning Officer shall note thereon the date and the time at which it was delivered.

(2) No person who has given notice of withdrawal of his candidature under sub-rule (1) shall be entitled to withdraw or cancel the notice.

88D. Procedure in contested and uncontested elections. If after the expiry of the period within which candidutures may be withdrawn,

(*a*) there is only one candidate whose nomination is valid and who has not withdrawn his candidature, the Returning Officer shall forthwith declare such candidate to be duly elected to be a Member of the Board; or

(*b*) the number of candidates who have been duly nominated but who have not withdrawn their candidature exceeds one, the Returning Officer shall except in the case falling under the proviso to sub-section (1) of section 101, prepare a list of validly nominated candidates in alphabetical

order and cause a copy of the list so prepared to be affixed to the notice board of his office.

88E. Voting.—Where votes of the Chairman are to be taken for the purpose of the election, the polling shall take place on the date and time appointed under clause (iv) of sub-rule (5) of rule 88 at the office of the Returning Officer.

88F. Procedure for the conduct of elections.—(1) At the place set apart for voting, the Returning Officer shall provide a ballot box which shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom without the box being opened.

(2) The Returning Officer shall immediately before the votes are taken, show the ballot box empty to such chairmen as may be present, so that they may see that it is empty and then shall lock it up and place his seal upon it in such manner as to prevent its being opened without breaking such seal.

(3) Every Chairman wishing to vote shall be supplied with a ballot paper in Form No. 39 bearing the seal of the Office of the District Marketing Officer and the signature of the Returning Officer and on which names of all contesting candidates are printed, typed or written in English and Kannada. At the time of issuing a ballot paper to a Chairman, the Returning Officer shall record the serial number thereof against the entry relating to the Chairman in the list of Chairmen kept for the purpose.

(4) The Chairman to whom a ballot paper is issued under sub rule (3) shall on receipt of the ballot paper proceed to the place set apart for the purpose and there make 'X' mark against the name of the candidate for whom he wishes to vote. He shall then fold up the ballot paper so as to conceal his vote and insert it into the ballot box.

(5) A Chairman who has inadvertantly dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may on returning it to the Returning Officer and on satisfying him of the inadvertance

be given another ballot paper and the ballot paper so returned shall be marked "Spoilt-cancelled" by the Returning Officer. If a Chirman after obtaining a ballot paper decides not to use it, he shall return it to the Returning Officer and the ballot paper so returned shall be marked as "Returned-cancelled" by the Returning Officer. All such ballot papers cancelled under this clause shall be kept in a separate packet.

88G. Counting of Votes.—(1) After voting by all, the Chairmen present and wishing to vote, the Returning Officer shall open in the presence of the Chairmen present, the ballot box, count the number of ballot papers and separate those which in his opinion are valid from those which in his opinion are invalid, endorsing on the latter the word "rejected" and the ground of rejection and arrange all the valid ballot papers in the bundle.

(2) The Returning Officer shall reject a ballot pape

(a) if it bears any mark or writing by which the elector can be identified ; or

(b) if to indicate the vote it bears no mark at all ; or

(c) if votes are given on it in favour of more than one candidate ; or

(d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given ; or

(e) if it is a spurious ballot paper :

Provided that the ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate, clearly appears from the way the paper is marked.

(3) Before rejecting any ballot paper under this rule, the Returning Officer shall allow each candidate a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) Every ballot paper which is not rejected shall be counted as one valid vote. After the completion of the counting, the Returning Officer shall record in a statement the total number of votes polled by each candidate and announce the same.

(5) (i) After such announcement has been made, the Returning Officer may either on his own initiative or at the instance of any candidate recount the votes:

Provided that nothing herein contained shall make it obligatory on the Returning Officer to recount the same votes more than once.

(ii) When a recount of votes is made under this sub-rule the Returning Officer shall amend the statement referred to in sub-rule (4) to the extent necessary after such recount and announce the amendment so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (4) or sub-rule (5), as the case may be, the Returning Officer shall declare the candidate to whom the largest number of valid votes have been given to have been duly elected.

(7) If after the counting of the votes is completed an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide, between those candidates by lot in such manner as he may determine and proceed as if the candidate on whom the lot falls had received an additional vote. He shall thereafter declare the candidate on whom the lot falls to have been duly elected.

(8) The Returning Officer shall then prepare and certify a return of the election in Form 40 and forward a copy of the same to the Chief Marketing Officer immediately.

(9) The Returning Officer shall also forward to the Chief Marketing Officer, the name of the Chairman who

has been decided by lot drawn by him to represent the market committees in the district on the Board.

88H. **Sealing and custody of election papers**—.(1) The Returning Officer shall then make up into separate packets the marked copy of the list of Chairman, the ballot papers relating to each candidate whether counted or rejected, seal up each packet and note thereon the description of its contents, the election to which it relates and date thereof.

(2) These packets shall not be opened and their contents shall not be inspected or produced before any person or authority except under the order of the District Judge under section 103.

(3) The packets shall be retained in safe custody by the Returning Officer in his office for a period of two years from the date of declaration of the result of election and shall thereafter be destroyed unless a direction to the contrary is given by the District Judge or other competent court or by the State Government.

88I. **Publication of names of the elected members of the Board.**—The Chief Marketing Officer shall by notification publish the names of all the members elected to the Board."

3 **Insertion of new Forms 38, 39 and 40.**—After Form 37 of the said rules, the following Forms shall be added namely:—

FORM 38

[*See* rule 88A(1)]

Election to the membership of the Mysore State Agricultural Marketing Board.

I, ... Chairman of the Agricultural Produce Market Committee, ... District nominate myself (desire to stand) as a candidate for election to the Membership of the Mysore State Agricultural Marketing Board.

.....

Date. Signature of the candidate

Ex. 15

FORM 39

[*See* rule 88 F (3)]

Ballot paper for election to the Mysore State Agricultural Marketing Board.

Counterfoil	Foil		
Serial number of the Ballot paper	Sl. No. of the candidate	Name of the candidate	Voter's mark

1 ....

2 ....

3 ....

4 .....

Instructions to Electors

1 You have only one vote.

2 Place a cross mark (X) clearly opposite the name of the candidate to whom you wish to give the vote.

3 You must not vote for more than one candidate.

4 The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given the vote, that vote will be invalid.

FORM 40

[*See* rule 88 G (8)]

Return of election to the membership of the Mysore State Agricultural Marketing Board.

Sl. No.	Name of the candidate	Number of valid votes polled

Total number of vaild votes polled... .....

Total number of rejected vote..... .....

I declare that Sri..... .. ..Chairman, Agricultural Produce Market Committee,.....of the..... district has been elected as a member of the Mysore State Agricultural Marketing Board.

RETURNING OFFICER."

[No. DPC 723 CMD 70.]

By Order and in the name of the Governor of Mysore,

G. M. GOVINDAPPA,

Under Secretary to Government,
Development, Housing, P. Raj and Co-operation
Department.

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